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NOTIFICATIONS BY HEADS OF DEPARTMENTS, Etc.

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DEPUTY COMMISSIONER OF PROHIBITION & EXCISE
VISAKHAPATNAM

Cr.No.2555/2023/CPE/C2.

Dated: 15-09-2023.

VISAKHAPATNAM ZONE - DIRECT RECRUITMENT - REVISED SELECTIONS - APPSC GROUP-II SERVICES (GENERAL) NOTIFICATION NO. 10/99 - COMPLIANCE OF ORDERS OF HON'BLE SUPREME COURT OF INDIA - REVISED UNIT LIST OF PROVISIONALLY SELECTED CANDIDATES TO THE POST OF P&ESI COMMUNICATED BY APPSC - CASE DISPOSED OF BY THE HON'BLE SUPREME COURT OF INDIA - GOVERNMENT ISSUED ORDERS TO TAKE NECESSARY ACTION AS PER APPSC REVISED UNIT LIST - REVISION OF SENIORITY AMONG DIRECT RECRUITS PROH.& EXCISE SUB-INSPECTORS OF 2005 BATCH - PROVISIONAL SENIORITY LIST COMMUNICATED - ORDERS OF HON'BLE HIGH COURT IN W.P.NO. 17671 OF 2023 - CERTAIN REVISED PROVISIONAL SENIORITY LIST COMMUNICATED CALLING OBJECTIONS, IF ANY - OBJECTION DISPOSED - FINAL REVISED SENIORITY LIST COMMUNICATED.

Ref:- 01.APPSC Lr.No.1203/RS-23B/2003, Dt.26.02.2005.
02.This office Rc.No. 108/2006/A2, dated 14.06.2010
03.This office Rc.No. 108/2006/A2, dated 20.01.2015.
04.Secretary, APPSC in Lr.No.196/RS-23B/2015, Dt.10.05.2018.
05.Memo No.1112077/Ser.A/2020 of GAD (Ser.A) Dept., Dt.04.08.2021.

- 06.Cr.No.3073/2017/CPE/C1-(1), 16.08.2021 of Commissioner of Prohibition and Excise, A.P, Vijayawada.
- 07.Cr.No.3073/2017/CPE/C1-(2), 16.08.2021 of Commissioner of Prohibition and Excise, A.P, Vijayawada.
- 08.Cr.No.3073/2017/CPE/C1, 19.08.2021 of Commissioner of Prohibition and Excise, A.P, Vijayawada.
- 09.Cr.No. 3073/2017/CPE/C1, dated 23.12.2022 of the Commissioner of Proh.& Excise, A.P., Amaravathi, Vijayawada.
- 10.Cr.No. 3073/2017/CPE/C1, dated 15.02.2023 of the Commissioner of Proh.& Excise, A.P., Amaravathi, Vijayawada.
- 11.This office even File No. dated 23.06.2023.
- 12.Orders in W.P.No. 17671 of 2023 of the Hon'ble High Court of Andhra Pradesh at Amaravati, dated 18.07.2023.
13. This office even File No. dated 26.07.2023.
14. Provisional seniority published in A.P. Gazette No. 91, dated 28.07.2023.
15. Objections filed by Sri. P.Ramachandra Kumar & Sri. N.Srinivasa Rao (Dated 31.07.23), Sri. P.Muralidhar & Sri. K.Suresh (Dated 01.08.23), Sri. G.Rajasekhar Naidu & Smt. K.Baby (Dated 31.08.23), Smt. K.Surya Kumari (Dated 05.08.203) and Smt. M.Indumathi (Dt. Nil, received. on 05.08.23)

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In pursuance of the instructions of the Commissioner of Proh.& Excise, A.P., Amaravathi, Vijayawada vide reference 10th cited and as per the revised merit order list communicated by the APPSC for the notification No. 10/99 in respect of Direct Recruit Proh.& Excise Sub-Inspectors vide APPSC Letter No. 196/RS-23B/ 2015 , Dated 10.05.2018 and in obedience of the orders of the Hon'ble High Court of Andhra Pradesh, A.P. Amaravathi in W.P. 17671 of 2023, dated 18.07.2023, the final seniority of Direct Recruit Proh.& Excise Sub-Inspectors of 2005 batch issued vide reference 3rd cited, was revised among the Direct Recruit Prohibition and Excise Sub-Inspectors of notification No. 10/99, duly placing Smt. B.Nagaveni, presently working as Proh. & Excise Inspector, subject to outcome of Court orders and the revised provisional seniority list of Proh.& Excise Sub-Inspectors of Visakhapatnam Division was communicated to the affected persons, calling objections, if any, within (15) days from the date of receipt of this memo, failing which the seniority will be finalized as proposed vide reference 13th cited and same was published in A.P. Gazette vide reference 14th cited.

In the reference 15th cited, the following individuals have submitted their objections as mentioned below;

1) Sri. P.Ramachandra Kumar, Sri. N.Sreenivasa Rao, Sri. P.Muralidhar, Sri. K.Suresh & Sri. G.S.Raja Sekhar Naidu & Smt. K.Baby

a) The Hon'ble Supreme Court of India in SC. CONMT.PET(C) No. 1700/2017 in Civil appeal No. 5099/2009 stated in the judgement delivered that the inter-se-seniority between the persons appointed in first round and the persons appointed afterwards in the same cadre, if any, shall be decided by the appropriate authority in accordance with the rules, depending on the merit ranking obtained by them and as per the Hon'ble Supreme Court orders and also merit order list communicated by the APPSC, the direct recruitee Proh.& Excise Sub-Inspectors joined in the year 2005 shall be placed in the year 2001.

b) Their seniority may be placed at Sl.No. 113 (Sl.No. as per seniority list below the name of G.Donkayya, Proh.& Excise Sub-Inspector) instead of 146.

2) Smt. K.Surya Kumari & Smt. M.Indumathi

a) & b) points same as mentioned above.

- c) As per the orders of the Hon'ble Supreme Court the Andhra Pradesh Service Commission has issued a merit list in which Smt. B.Nagaveni, Proh. & Excise Inspector, has been selected for the 2nd Zone as per the APPSC list dated 10.05.2018, so they request that Smt. B.Nagaveni, Proh. & Excise Inspector, be removed from the seniority list in the first Zone seniority list.

The above objections are examined in the light of the instructions of the Government/Commissioner of Proh.& Excise, A.P., Amaravathi, Vijayawada and Hon'ble Court orders.

In this connection, it is informed that in the reference 6th cited, the Commissioner of Proh.& Excise, A.P., Amaravathi, Vijayawada has informed that in pursuance of the Hon'ble Supreme Court orders in AI.A.No.56023/2018 in CP No. 820 & 1950/2017 in CA No. 5099/2006 and batch dated 25.04.2018, the APPSC has communicated revised unit list of provisionally selected candidates/merit list of the post of Proh.& Excise Sub-Inspectors under Group-II posts issued vide Notification No. 10/99 vide Secretary, APPSC Lr.No. 196/RS-23B/2015, dated 10.05.2018. However the individuals who were not figured in the revised selection list continued on the strength of individual APAT/HC orders and status quo orders of the Hon'ble Supreme Court issued in Commt. Pet (C) No. 1700/2017 in Civil Appeal No 5099/2006, dated 24.07.2018 and the General Administration (Ser.A) Department vide Memo. No.1112077/Ser.A/2020 of GAD (Ser-A), Dept., dated 04.08.2021 have issued certain instructions to all the unit officers/Departments in view of the Judgement of the Hon'ble Supreme Court of India dated 14.07.2021 and directed all the Unit Officers/Departments that the Unit list/ Rank list communicated by the APPSC vide Lr.No. 196/RS-23B/2015, dated 10.05.2018 shall be final and candidates whose names are not found in the above Unit list/Rank list 2018 shall be relieved and candidates who have to join as per the final Unit list/ Rank list, 2018 shall be allowed to join in their respective Department to which they have been allotted.

In pursuance of the orders vide Cr.No.3073/2017/CPE/C1-(1), Dt.16.08.2021 of Commissioner of Proh. & Excise, A.P, Vijayawada, the individuals who are allotted to other Zone/Department were relieved from this Department except Smt. B.Nagaveni, Proh. & Excise Inspector, who is continuing on Hon'ble Court orders. The Commissioner of Proh.& Excise, A.P., Amaravathi, Vijayawada vide Cr.No.3073/2017/CPE/C1-(2), Dt.16.08.2021 has instructed to allow the allotted candidates to join/appoint as Prohibition & Excise Sub-Inspectors in Zone-I, Visakhapatnam duly following due procedure and directed to issue appointment orders to all the candidates.

In the reference 10th cited, the Commissioner of Proh.& Excise, A.P., Amaravathi, Vijayawada has instructed to take necessary action on the representations of the individuals concerned of 10/99 batch P&ESIs and to fix the seniority and pay as per the instructions issued vide Cr.No. 3073/2017/CPE/C1, dated 16.08.2021 and 23.12.2022.

In pursuance of the instructions of the Commissioner of Proh.& Excise, A.P., Amaravathi, Vijayawada and as per the revised merit order list communicated by the APPSC for the notification No. 10/99 in respect of Direct Recruit Proh.& Excise Sub-Inspectors vide APPSC Letter No.196/RS-23B/2015, Dated 10.05.2018, the final seniority of Direct Recruit Proh.& Excise Sub-Inspectors of 2005 batch issued vide reference 3rd cited, was revised among the Direct Recruit Prohibition and Excise Sub-Inspectors of notification No. 10/99 and the provisional revised seniority list of Proh.& Excise Sub-Inspectors of Visakhapatnam Division was communicated to the affected persons, calling objections vide reference 11th cited.

Sri. B.Nagaveni, Proh. & Excise Inspector, presently working in Special Enforcement Bureau who was allotted to Zone-II was not relieved from Zone-I, Visakhapatnam and the Commissioner, Special Enforcement Bureau, A.P., Amaravathi, Vijayawada vide Cr.No. 1387/2021/CSEB /B1, dated 18.08.2021 stated that the Commissioner of Proh.& Excise, A.P., Amaravathi, Vijayawada informed that she approached the Hon'ble High Court and filed WP in 17302 and the Hon'ble High Court

in-turn has issued interim orders and directed the respondents not to disturb the petitioners from the present post and to continue them in the present post until further orders. In compliance to the said Court orders the Commissioner of Proh.& Excise, A.P., Amaravathi, Vijayawada informed not to relieve above Enforcement Inspector until further orders to avoid legal complications and she shall be continued in the present post until further orders received in writ petitions. The individual filed objection, dated - 07-2023 to place in the final seniority list in the cadre of Proh.& Excise Sub-Inspector which in same manner as CT department and Proh.& Excise Department of Zone-IV Proh.& Excise Sub-Inspectors placed the candidates who are continued as per High Court stay orders. In the mean while, she along with (10) others P&E.I.s of other Districts have filed W.P. 17671 of 2023 in the Hon'ble High Court of Andhra Pradesh, A.P. Amaravathi. The Hon'ble High Court of Andhra Pradesh, A.P. Amaravathi in the said WP, dated 18.07.2023 issued orders that; "Meanwhile, respondents are directed to consider the names of the petitioners for further promotions on par with others as per the provisional seniority list dated 19.06.2023."

In pursuance of the above instructions of the Commissioner of Proh.& Excise, A.P., Amaravathi, Vijayawada and as per the revised merit order list communicated by the APPSC for the notification No. 10/99 in respect of Direct Recruit Proh.& Excise Sub-Inspectors vide APPSC Letter No. 196/RS-23B/ 2015 , Dated 10.05.2018 and in obedience of the orders of the Hon'ble High Court of Andhra Pradesh, A.P. Amaravathi in W.P. 17671 of 2023, dated 18.07.2023, the final seniority of Direct Recruit Proh.& Excise Sub-Inspectors of 2005 batch issued vide reference 3rd cited, was revised among the Direct Recruit Prohibition and Excise Sub-Inspectors of notification No. 10/99, duly placing Smt. B.Nagaveni, Proh. & Excise Inspector, subject to outcome of Court orders and the revised provisional seniority list of Proh.& Excise Sub-Inspectors of Visakhapatnam Division was communicated to the affected persons, calling objections, vide reference 13th and 14th cited.

The Government issued the following instructions in Circular No.16/Serv. A/93, GAD, Dt.21.04.99 duly clarifying the principles determining the seniority in respect of Direct Recruits and promotees as follows:

- a) *For determining the seniority of the employees the provisions contained in General Rule 33 of the APSSS Rules shall be followed.*
- b) *The seniority of the direct recruit is to be determined only from the date of his / her joining duty but not from the date on which the vacancy ear-marked for direct recruitment arose.*
- c) *If an employee is promoted to a post ear-marked for direct recruitment, his probation shall not be commenced from the date of his appointment into the slot ear-marked for direct recruitment but shall be reckoned only from the date on which he would have occupied the vacancy meant for promotee.*

The General Administration (Ser.A) Department vide Memo. No.1112077/Ser.A/2020 of GAD (Ser-A), Dept., dated 04.08.2021 have issued certain instructions to all the unit officers/Departments that in view of the Judgement of the Hon'ble Supreme Court of India dated 14.07.2021 and directed all the Unit Officers/Departments that the Unit list/ Rank list communicated by the APPSC vide Lr.No. 196/RS-23B/2015, dated 10.05.2018 shall be final and according to which action was taken in fixing the seniority.

In view of the Government instructions vide Circular No.16/Serv. A/93, GAD, Dt.21.04.99, the seniority of a Direct Recruit is to be determined only from the date of his/her joining duty. Hence the contention of the individuals to fix their seniority from 2001 is not tenable.

Sri G. Donkaiah, Proh.& Excise Sub-Inspector was placed at Sl.No. 112 in the final seniority list of Proh.& Excise Sub-Inspectors of Visakhapatnam Division issued vide this office Rc.No. 619/2003/A2, dated 02.12.2003 and the same was confirmed while disposing the appeals filed the Proh.& Excise Sub-Inspectors of Visakhapatnam division by the Commissioner of Proh.& Excise, A.P., Amaravathi, Vijayawada vide Cr.No. 137/2004/CPE/H1, dated 23.12.2004. Hence the contention of the individuals is not true.

In obedience of the orders of the Hon'ble High Court of Andhra Pradesh, A.P. Amaravathi in W.P. 17671 of 2023, dated 18.07.2023, the final seniority of Direct Recruit Proh.& Excise Sub-Inspectors of 2005 batch issued vide reference 3rd cited, was revised among the Direct Recruit Prohibition and Excise Sub-Inspectors of notification No. 10/99, duly placing Smt. B.Nagaveni, Proh. & Excise Inspector, subject to outcome of Court orders.

In view of the above, the objections filed by the above individuals are not maintainable and the proposed seniority communicated vide reference 13th cited is hereby confirmed and communicated to the concerned as follows, subject to outcome of Pending Appeals/Revision petitions/Writ Petitions/SLPs, pending, if any.

Sl.No.	Sl.No. as per the seniority list	Name of the individual	Date of joining/ Date of regularisation	Remarks
01	146	P. Ramachandra Kumar	17.03.2005	Now P&E.I.
02	147	N.Sreenivasa Rao	17.03.2005	-do-
03	148	P.Muralidhar	17.03.2005	-do-
04	149	Abdul Kaleem	12.03.2005/17.03.2005	-do-
05	150	K.Suresh	21.03.2005	-do-
06	151	A. Santhosh	14.03.2005/21.03.2005	-do-
07	152	V. Ramakrishna	19.08.2021/21.03.2005	-do-
08	153	G.Srinivasa Raja Sekhar Naidu	17.03.2005/21.03.2005	-do-
09	154	M.Venkata Gopala Krishna	08.01.2022/21.03.2005	-do-
10	155	B.Sreedhar	21.03.2005	-do-
11	156	M.Saroja Devi	19.08.2021/21.03.2005	-do-
12	157	K.Baby	16.03.2005/21.03.2005	-do-
13	157-A	B.Nagaveni	15.03.2005/21.03.2005	Subject to outcome of Court orders
14	158	M.Indumathi	31.12.2018/21.03.2005	Now P&E.I.
15	159	K.Surya kumari	17.03.2005/21.03.2005	Now P&E.I.
16	160	D.Sailajarani	17.03.2005/21.03.2005	Now A.P.&E.S.

D. SREEKANTH REDDY,

*Deputy Commissioner of Prohibition & Excise,
Visakhapatnam.*

To

The individuals (Through controlling officers concerned)

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